

City of Morgantown
389 Spruce Street, Morgantown, WV 26505

MINUTES
REGULAR MEETING
September 15, 2020

The Regular Meeting of the Common Council of the City of Morgantown was held via Webex on Tuesday, September 15, 2020, at 7:18 p.m.

To protect public health during the COVID-19 pandemic, personal attendance at the meeting was not permitted. When it was time, the public participated in the public portion by videoconference at the following link: <https://cityofmorgantown.my.webex.com/meet/cityofmorgantown> with meeting number (access code) 793 734 477, or by calling in at the following number 408-418-9388 and using the access code 793 734 477. All members of the public could view the meeting on Channel 15 and by streaming hosted on the City's website at www.morgantownwv.gov. Any person wishing to speak at the meeting were to complete the form at <http://morgantownwv.gov/FormCenter/Public-Comment-Sign-Up-Sheet-14/Public-Comment-Morgantown-City-Council-M-96> or provide their name, phone number used to participate, and the topic on which they would like to speak by texting 304-288-0847 or texting 304-288-7072. Individuals were required to sign up to speak at any time until the meeting began. The public could submit written comments concerning items on the agenda or other topics they wished to speak on by sending an email to the City Clerk at cwade@morgantownwv.gov. Individuals had until 30 minutes prior to the start of the meeting to submit written comments. Written comments were shared with City Council via email as they were received. Written comments are not read aloud during the public portion, however, Council members could choose to speak about comments received during the Correspondence portion of the meeting.

PRESENT: Via Webex were Interim City Manager Emily Muzzarelli, City Attorney Ryan Simonton, City Clerk Christine Wade, Mayor Ron Dulaney, Jr., Deputy Mayor Rachel Fetty, and Council Members Bill Kaweck, Zackery Cruze, Jenny Selin, Dave Harshbarger, and Barry Wendell.

The meeting was called to order by Mayor Dulaney.

APPROVAL OF MINUTES: September 1, 2020, Special and Regular Meeting minutes were approved by consensus as printed.

CORRESPONDENCE: Mayor Dulaney presented the Proclamation for Constitution Week and proclaimed September 17-23, 2020, as Constitution Week in the City of Morgantown

Councilor Kaweck shared concerns of the current state of the Pandemic and trick-or-treating. Councilor Wendell shared a comment from an individual thanking him for being a voice of reason when decisions related to COVID were being established. He also shared comments from individuals related to the Black Lives Matter crosswalk and trick-or-treating.

PUBLIC HEARING: AN ORDINANCE AMENDING THE FY 2020-2021 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND

Mayor Dulaney declared the Public Hearing open.

There being no appearances, Mayor Dulaney declared the Public Hearing closed.

PUBLIC HEARING: AN ORDINANCE ANNEXING PROPERTY OF THE MONONGALIA COUNTY BOARD OF EDUCATION IN MORGAN DISTRICT INTO THE CORPORATE BOUNDARIES OF THE CITY OF MORGANTOWN

Mayor Dulaney declared the Public Hearing open.

There being no appearances, Mayor Dulaney declared the Public Hearing closed.

PUBLIC HEARING: AN ORDINANCE ANNEXING PROPERTY OF MORGANTOWN COMMUNITY RESOURCES, INC. IN CLINTON DISTRICT INTO THE CORPORATE BOUNDARIES OF THE CITY OF MORGANTOWN

Mayor Dulaney declared the Public Hearing open.

There being no appearances, Mayor Dulaney declared the Public Hearing closed.

UNFINISHED BUSINESS:

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BOARDS & COMMISSIONS:

Motion by Councilor Harshbarger, second by Deputy Mayor Fetty to appoint, by consensus, Jennifer Hagerty, to the Morgantown Housing Advisory Commission for a 3-year term as the Licensed Real Estate Representative.

Motion by Councilor Kawecki, second by Councilor Selin, to reappoint, by consensus, Barbara Parsons to the Morgantown Utility Board for another 5-year term as the city resident.

Motion by Councilor Kawecki, second by Councilor Selin, to reappoint, by consensus, Rachel Fetty to the Morgantown Housing Advisory Commission for another 3-year term as the city resident.

Motion by Councilor Wendell, second by Deputy Mayor Fetty, to reappoint, by consensus, Dan Brown to the Tree Board for another 3-year term.

PUBLIC PORTION:

Mayor Dulaney declared the Public Portion open.

There being no individuals to speak, Mayor Dulaney declared the public portion closed.

SPECIAL COMMITTEE REPORTS:

Community Policing and Citizens Review Board – Councilor Zack Cruze and Deputy Mayor Fetty updated council of the recent meeting of the Special Committee on Community Policing and Citizens Review Board. The Committee is working on the language for the Ordinance that would establish a Citizens Review Board. Councilor Cruze, Deputy Mayor Fetty, and Mayor Dulaney each specifically invited all to attend future meetings.

Special Committee on Unsheltered Homelessness – Mayor Dulaney, Chair; Councilor Cruze, Vice-Chair; Deputy Mayor Fetty, Member; Councilor Selin, Member; Councilor Harshbarger, Member. Mayor Dulaney shared that the first meeting has been scheduled for September 16, 2020, at 2:30pm via Webex and that an agenda has been posted. He welcomed all to participate. Councilor Cruze shared that the PPE supplies from our Sister City has arrived and discussions are ongoing as related to distribution. He also shared information related to sharing art from our Sister City as well as their involvement in a Pocket Park.

CONSENT AGENDA:

AN ORDINANCE AMENDING THE FY 2020-2021 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND

AN ORDINANCE ANNEXING PROPERTY OF THE MONONGALIA COUNTY BOARD OF EDUCATION IN MORGANTOWN DISTRICT INTO THE CORPORATE BOUNDARIES OF THE CITY OF MORGANTOWN

AN ORDINANCE ANNEXING PROPERTY OF MORGANTOWN COMMUNITY RESOURCES, INC. IN CLINTON DISTRICT INTO THE CORPORATE BOUNDARIES OF THE CITY OF MORGANTOWN

Motion by Deputy Mayor Fetty, second by Councilor Kawecki, to approve the above Ordinances. Motion carried by a 7-0 vote.

NEW BUSINESS:

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE CITY CODE: The below entitled Ordinance was presented for first reading.

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE CITY CODE

Interim City Manager Emily Muzzarelli explained. After discussion, motion by Councilor Harshbarger, second by Councilor Selin, to approve the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AMENDING ARTICLE 169 AUTHORIZING ACQUISITION OF REAL ESTATE BY THE CITY'S UTILITY BOARD: The below entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING ARTICLE 169 AUTHORIZING ACQUISITION OF REAL ESTATE BY THE CITY'S UTILITY BOARD

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Interim City Manager Emily Muzzarelli explained. City Attorney Ryan Simonton explained. He stated that he sent a substituted Ordinance by email to all of council prior to the meeting. After discussion, motion by Deputy Mayor Fetty, second by Councilor Selin, to approve the above entitled Ordinance sent prior to the meeting to second reading. Motion carried 7-0.

CITY MANAGER'S REPORT:

Information:

1. 2020 Census Update

Interim City Manager Emily Muzzarelli provided an update on the Census and shared that a complete and accurate count is critical for Morgantown because the results of the Census will affect our community's funding, congressional representation, and more. She also provided updated statistics on participation for West Virginia.

New Business:

1. Trick-or-Treat during the COVID Pandemic

Interim City Manager Emily Muzzarelli presented council with the recommendation of allowing Trick-or-Treat in the city during the pandemic, as long as residents follow guidelines for safety provided by Monongalia County Health Department. The item was tabled until the October 6, 2020, city council meeting to allow time for council to gather more information from the community.

REPORT FROM CITY CLERK: shared information related to our upcoming transition of our online code to Municode. She also shared that the Police Civil Service Commission will be administering a First Sergeant promotional exam in early October, as well that the Police Entry-level testing will be on October 17, 2020.

REPORT FROM CITY ATTORNEY: shared that Council adopted tonight two ordinances annexing property at the former Ramada Inn site and the Suncrest Elementary School. He will prepare the certification of annexation provided for by West Virginia code and then extend that record to the County commission for entry with a proposed order. We would expect based on past timelines these annexations will become official sometime in October and look forward to continuing to work with those property owners on neighborhood access. He also shared that there is an International Municipal Lawyers Association with University cities group, and we're promoting call on September 17, 2020, to address the measures the University cities are taking to obtain quotes right of covid-19. These are communities that are dealing with many of the same issues.

REPORT FROM COUNCIL MEMBERS:

DEPUTY MAYOR FETTY: shared that she is encouraged by the response of the community as related to COVID-19. She spoke highly of the educators in the community during this time. She also thanked the community, as well as the city staff for all that they have done and expressed her appreciation of everyone.

COUNCILOR KAWECKI: expressed his concern for the community and expressed his appreciation for the precaution that the city is doing as plans are ongoing with trick-or-treating. He shared that the Metropolitan Planning Commission received notification that the Greenbag Road Improvement project will be having a public hearing on September 29, 2020. The presentations are 5pm, 6pm, and 7 p.m. In order to participate and be involved go to the WVDOH website. The bus transportation is doing a Strategic Transit plan that is in cooperation with the MPO and the Mountain Line Transit Authority and there will be a public presentation on September 24, 2020. See the MPO website at plantogether.org for participation information.

COUNCILOR CRUZE: shared information related to volunteer needs at Pantry Plus More. Information to volunteer can be found at pantryplussmore.org.

COUNCILOR SELIN: requested that Council organize a Trash Force for trash and shared that fines should be put into place to Republic Services for non-pickup. She offered to lead this Task Force. Councilor Wendell, and Deputy Mayor Fetty would also like to be a part of this group. She also shared information related to an incident in which she was involved in. She shared that she appreciated those people who stepped in to assist her and ensure that she was alright.

COUNCILOR HARSHBARGER: No report.

COUNCILOR WENDELL: provided the following report.

"We are in a period of change. We are moving from summer to autumn, school is back in session. Rosh Hashana, the Jewish New Year, is this weekend. And yet, nothing is the way it is supposed to be. Fire season in the West is just starting, but there are already hundreds of fires burning in California, Oregon and Washington. We are halfway through hurricane season and about to run out of letters because there have been many more storms than usual this year. And the kids aren't actually in school, because there is a raging pandemic, and we want to keep everyone safe from disease."

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Rosh Hashana services at Tree of Life in Morgantown have already been recorded, and will be released on YouTube for people to watch at home.

In addition to the usual problems of drug abuse and homelessness in Morgantown, the City Manager and Police Chief resigned, and the Planning Director is leaving. We have to deal with the pandemic, and the subsequent shutdown of many businesses, leaving our residents unemployed and at risk of hunger and eviction.

Then there have been protests around the country about the murder of Black people by the police. We have been spared the kind of violence that has happened in larger cities. But this weekend, there were protests and marches in Kingwood and Morgantown. People are hurting, and not just Black people, but anyone who cares about justice. I didn't attend the protests, but I've heard that Delegate Walker was told to "Go back to Africa" and called disgusting names. People came in Nazi regalia or carrying Confederate battle flags to counter the protestors. Let me be clear: If you are an American wearing Nazi regalia, you are a traitor to the United States of America, and if you carry a Confederate flag in West Virginia, you are, at least, unclear on history, and a throwback to a cause that, thankfully, was dead 155 years ago. And pointing weapons at people you disagree with is not your "Second Amendment rights", it's illegal threatening behavior. You should be in jail, not talking about your "rights."

I've received a letter objecting to the "Black Lives Matter" crosswalk, and I read today in the Dominion-Post about the Fraternal Order of Police objecting to a civilian review board. This is not an indictment of our great police force, but a way of making sure that we don't have the problems of other cities. Everywhere should have a civilian board to make sure the police are acting within bounds. People should have somewhere to go besides the police, when something goes wrong. It's also important for us, aspiring to be a welcoming and inclusive city, to have a symbolic gesture like our crosswalk. Along with the "Pride" crosswalk, it expresses our desire to be a welcoming city in what is often not a welcoming state.


Finally, we are all stressed. Even those of us who are not sick, not mourning our dead, not financially strained or dealing with work and educating our children at home, there is the fear of a dangerous illness, and the inability to be with our friends and loved ones. I wish we would all take a deep breath, and agree to cut each other some slack.

Whether or not you are Jewish, I wish you a peaceful and healthy 5781."

MAYOR DULANEY: welcomed Morgantown Community Resources Inc., the school board, and specifically the students, faculty, and staff of Suncrest Elementary School into our city. He thanked the City Clerk for the great work on Municode and shared that it is a great step forward for our city and especially folks and Development and Construction planning. He attended a meeting with the County Commission, and it included Dr. Lee Smith from the Health Department, Dr. Eddie Campbell and Mr. Lytle of the Monongalia County Schools, as well as Rob Alsop at the University of Public Commissioners. Dr. Smith has continued to monitor the cases in Mon County. The health department has been pushing to wait for data before any actions are considered. The consensus from that meeting was to encourage any decision-making to hold off until at least there is more data that could be considered relative to any decisions that might be made. He also participated in a meeting related to the National Youth Sports program. A program which has been running in Morgantown for several years in the summer and has as Runner program for up to 200 students. This program is no longer under the WVU College of physical activity but will now go under the management of the school board. The school board is looking for additional funding to help fund the ninety to one hundred thousand dollars. At some point over the coming weeks and months there will be an ongoing conversation. He knows there is an interest in grant funding and hopes that the city might be an applicable partner for this program. Traditionally this program has been oriented towards underprivileged members of our community, so it seems like a program that we are continuing to support.

EXECUTIVE SESSION: Pursuant to West Virginia Code Section 6-9A-4 (2) (B) (12) to discuss potential or pending litigation. Motion by Councilor, second by Councilor, to go into executive session. Motion carried by acclamation. Present: Interim City Manager, City Attorney, and City Council. Time: 8:46 p.m.

ADJOURNMENT: There being no further business, motion by Councilor Kaweckj, second by Deputy Mayor Fetty, to adjourn the meeting. Time: 9:54 p.m.



City Clerk



Mayor